



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CRP/CAPSTONE 14W PROPERTY OWNER, LLC,

Plaintiff,

07 Civ. 7165 (PKC)

-against-

ORDER

MORGAN FUNDING, INC.,

Defendant.
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P. KEVIN CASTEL, District Judge:

Plaintiff CRP/CAPSTONE 14W Property Owner LLC (the "LLC") brings this action invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. If the LLC is, indeed, a limited liability company, as its name would imply, then the complaint must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company. By October 5, 2007, plaintiff shall amend its pleading to allege the citizenship of each constituent person or entity. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000), citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998); Strother v. Harte, 171 F.Supp. 2d 203, 205 (S.D.N.Y. 2001) ("For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members."). If plaintiff is unable to amend by the foregoing date to truthfully allege complete diversity based upon the citizenship of each constituent person or entity of the LLC, then the complaint will be dismissed for lack of subject matter jurisdiction.

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SO ORDERED.

A handwritten signature in black ink, appearing to read 'P. Kevin Castel', is written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
August 15, 2007